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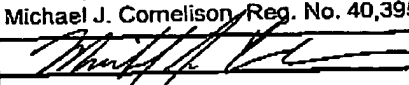
(Substitute) PTO/SB/21 (02-04)


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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/723,914	
	Filing Date	November 26, 2003	
	First Named Inventor	William D. CHAMLEE	
	Art Unit	3741	
	Examiner Name	Stephen Johnson	
Total Number of Pages in This Submission	4	Attorney Docket Number	D1109/20012

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form (in duplicate) <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Please charge Attorney Account No. 03-0075 as necessary to effect entry and/or ensure consideration of this submission.		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd.; Customer No. 03000 Michael J. Cornelison Reg. No. 40,395	
Signature		
Date	08/13/2004	

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Transmitted to Facsimile No. (703) 872-9306		
Typed or printed name	Michael J. Cornelison	
Signature		Date 08/13/2004

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PATENT EXAMINING OPERATION

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AUG 13 2004

First Named Inventor: CHAMLEE, William D.

Serial No: 10/723,914

Group Art Unit: 3641

Filed: November 26, 2003

Examiner: Stephen Johnson

Att. Docket No.: D1109/20012

Confirmation No.: 9792

For: CONE AND CHARGER EXTRACTOR

ELECTION IN RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement mailed July 16, 2004, Applicant hereby elects Group II, Claims 3-5, 15, 19-20 and 23-24, drawn to a munitions extractor. This election is made with traverse.

The examiner asserts that the combination (Group II) as claimed does not required the particulars of the subcombination (Group I) as claimed. Applicant respectfully traverses the examiner's assertion. As is readily apparent in Claims 2 and 3, both of which dependent from linking Claim 1, the combination of Claim 3 does require the particulars of the subcombination recited in Claim 2. That is, in order for the claimed support device to include a dejecter slidingly engaged within the open end of the casing (Claim 3), at least one part of the support device must be slidingly engaged within the open end of the casing (Claim 2). Accordingly, the invention recited in Claims 2 and 3 are not distinct. Withdrawal of the restriction requirement is respectfully requested.

Application No. 10/723,914
Amendment Dated August 13, 2004
Reply to Office Action of July 16, 2004

It is respectfully submitted that the subject matter of all of Claims 1-24 is sufficiently related that a thorough search for the subject matter of any one group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "If the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Applicant acknowledges that Claim 1 links inventions I and II, and that upon the allowance of the linking claim, the restriction requirement as to the linked inventions shall be withdrawn and any claims depending from or otherwise including all the limitations of the allowable linking claim will be entitled to examination in the instant application. However, for at least the reasons discussed above, Applicant respectfully submits that the restriction requirement should be withdrawn for all of Claims 1-24.

It is respectfully submitted that the aforementioned elected claims in this application are allowable and such favorable action is respectfully requested. Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's

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undersigned attorney at the telephone number listed below to further expedite prosecution
of the Application.


Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

August 13, 2004

Please charge or credit our Account
No. 03-0075 as necessary to effect
entry and/or ensure consideration of
this submission.

By


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(215) 567-2010
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